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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/742,373	11/01/96	FRY	W FRY-00102/29

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EXAMINER

ARTHUR, G

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 02/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

In claim 1, the connection between the display and the unit is required.

Claim Rejections - 35 U.S.C. § 112

2. Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The speed of the motion produced by the individual in the sports activity can be measured, not the speed of the individual. Therefore the phrase "determining the speed of the individual" while engaged in the activity is unclear.

Office Action Summary

Application No.
08/742,373

Applicant(s)
William R. Fry

Examiner
Gertrude Arthur

Group Art Unit
3661



☒ Responsive to communication(s) filed on Nov 18, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 and 16-23 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-14 and 16-18 is/are allowed.

☒ Claim(s) 19-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3661

Response to Amendment

Claim Objections

1. Claims 9 and 17 are objected to because of the following informalities: In claim 9, the word "personal" should also be deleted since it provides no antecedent basis.

In claim 17, the connection between "the display the" in line 5 is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The speed of the mobile occupied by the individual in the sports activity can be measured, not the speed of the individual. Therefore the phrase "determining the speed of the individual" while engaged in the activity is unclear.

Art Unit: 3661

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 19, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nobe et al. (U.S. Patent No. 5,506,774).

As to claims 19, 22, Nobe et al. disclose a navigation apparatus wherein it comprises the means for determining the speed of the individual while engaged in the activity (See column 3, lines 54-57) considered as the angular speed data accompanied by the direction of the vehicle. The vehicle could have been considered as a sports activity such as a car race occupied by an individual and wherein the speed is being determined. It also discloses a global positioning satellite receiver for determining the location (See column 3, lines 60-65). It further discloses a memory for storing information (See column 4, lines 10-15, 31-34). Nobe et al. disclose a display for displaying information (See column 4, lines 23-26).

Claim Rejections - 35 USC § 103

Art Unit: 3661

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-21, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobe et al. In view of Brisson (U.S. Patent No. 5,335,188).

As to claim 20, Nobe et al. does not specifically disclose the sports-related activity is bicycle riding. However, Brisson discloses the user as a cyclist and a mobile unit 14 mounted to the user's bicycle (See column 4, lines 7-9). Brisson discloses in Fig. 4 as displayed the speed of the bicycle and furthermore discloses other parameters and store cadence information for later review on the personal computer (See column 7, lines 14-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the car with a bicycle as a preference for sports activity.

As to claims 21, 23, the limitations have been discussed in the previous claim. However the display is not part of a computer which is not carried by the individual. In an analogous art, Brisson discloses the accessing of the memory by a computer as wherein an interface or connector 65 used as a computer interface port for connecting the computer to the module and further wherein the information related to the bicycle is displayed. Brisson discloses a non-volatile memory and a software executable on the computer (See column 4, lines 10-14; column 8, lines

Art Unit: 3661

1-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nobe et al. with the sports activity system of Brisson by having a computer displaying information in order to keep track with updated information.

Allowable Subject Matter

7. Claims 1-14, 16-18 are allowable over the prior art of record.

The prior art fails to disclose a sports activity monitor adapted for use with a computer equipped with a display device and comprising a mobile recording unit adapted to travel with a user engaged in a sports activity the unit including a sensor for detecting a quantity which varies as a function of the activity; a global positioning satellite receiver, a memory and a controller connected to the sensor, the gps receiver and the memory, the controller being operative to perform the following functions as stated; and display the information relating to the quantity as a function of the geographical position of the user while engaged in the sports activity.

Response to Arguments

8. Applicant's arguments with respect to claims 1-14, 16-23 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3661

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur whose telephone number is (703) 308-7564. The examiner can normally be reached on Tuesday-Friday from 8:30 a.m to 6:00 p.m and every first Monday of the bi-week from 8:30 a.m to 6:00 p.m.

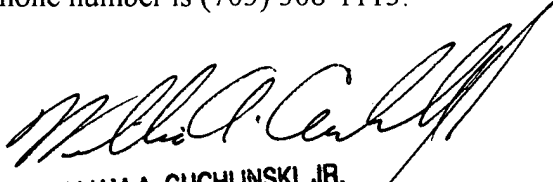
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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January 29, 1999


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
GROUP 3600